IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 25441 of 2007(D)

PETITIONER:

SAROJINI, W/O.THANKAPPAN, AGED 58 YEARS,
KARAMVELIL HOUSE,CHERUTHONY KARA,
IDUKKI COLONY P.O., IDUKKI DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETRIAT, THIRUVANANTHAPURAM.**
2. **SUB INSPECTOR OF POLICE, IDUKKI POLICE STATION, IDUKKI.**
3. **SECRETARY, VAZHATHOPE GRAMA PANCHAYAT (SPECIAL GRADE),THADIYANPADU P.O., IDUKKI DISTRICT, PIN-685 602.**
4. **SUHARA, W/O.SHAJAHAN, AGED ABOUT 38 YEARS, THACHUKULATHU HOUSE, CHERUTHONY KARA, IDUKKI COLONY P.O., IDUKKI DISTRICT.**
5. **JOSE CHERIAN, AGED ABOUT 50 YEARS, PUNCHAKUNNEL HOUSE, CHERUTHONY KARA, IDUKKI COLONY P.O., IDUKKI DISTRICT.**

BY ADV. SRI.M.V.BOSE,
ADV. SRI. JOBY JACOB PULICKEKUDY,
ADV. SRI. ANIL GEORGE.
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25441/2007-D:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PERMIT ISSUED TO R.5.

EXT.P.1.A: COPY OF THE PLAN APPROVED BY R.3.

EXT.P.2: COPY OF THE COMPLAINT DTD. 07/06/07.

EXT.P.3: COPY OF THE INJUNCTION ORDER DTD. 11/07/07 IN I.A. 160/07 IN O.S. 29/07.

EXT.P.4: COPY OF THE PETITION DTD 18/06/07.

EXT.P.5: COPY OF THE COMPLAINT DTD. 22/08/2007 SUBMITTED BEFORE THE R.2. BY THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25441 of 2007-D

Judgment

Balakrishnan Nair, J.

The petitioner submits, respondents 4 and 5 who are her neighbours, are constructing a house, encroaching into a pathway leading to her house. So, she moved the competent civil court and obtained Ext.P3 injunction order against that construction. But, in violation of that interim order, the construction is being completed, it is submitted. Further, the construction is made in violation of the building permit granted by the 3rd respondent Secretary of the grama panchayat. The said respondent has been alerted about the violation of the permit conditions by Ext.P2 representation, but he is also not taking any action. Alleging that respondents 4 and 6 are compelling her to compromise the suit filed by her, this Writ Petition is filed. She filed Ext.P4 representation before the SI of Police alleging that the building is constructed in violation of the order of the civil court and also in violation of the building permit.

2. We heard the learned counsel on both sides. We are of the view that the Police have no role to pay in this dispute. If the injunction order is violated,

the petitioner has to move the civil court and if the building permit is violated, she has to pursue her complaint before the third respondent. The learned counsel for the petitioner points out that she has preferred Ext.P5 complaint, alleging about the threat from the part of the party respondents to compel her to settle the dispute and withdraw the civil suit. If any cognizable offence is reported in connection with the dispute, needless to pay, the Police shall look into it and take appropriate action in accordance with law. No other direction could be issued in this Writ Petition. Accordingly, it is closed.

K.BALAKRISHNAN NAIR,JUDGE

22.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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